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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/315,399 | 05/20/1999 | BRETT ALLEN EDDY | A61-16721 | 6478 |
| 128 | 7590 | 05/05/2004 | EXAMINER | |
| HONEYWELL INTERNATIONAL INC. | | | TRAN, THIEN D | |
| 101 COLUMBIA ROAD | | | ART UNIT | |
| P O BOX 2245 | | | PAPER NUMBER | |
| MORRISTOWN, NJ 07962-2245 | | | 2665 | 16 |

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/315,399

Applicant(s)

EDDY ET AL.

Examiner

Thien D Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-18 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 5-8, 19, 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 9, 10, 12-18, 22, 23 are rejected under 35 U.S.C. 102(e) as being participated by Diaz et al (U.S Patent No 5,809,021).

Regarding claim 1, Diaz discloses a network architecture supporting periodic and aperiodic transmission of data comprising;

a network databus (13, 21);

a plurality of interface modules, bus control modules, bridge modules (Network Interface Controller modules) capable of communicating over said network databus, at least one of said plurality of interface modules such as bus control module or bridge module acting as a master timing module configured to allocate a time slot 132 (first

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interval) for transmission of periodic data over the databus and to dynamically assign bandwidth or variable slots (col.5 lines 45-50) on said network databus for transmission of data, said master timing module including a means of determining what bandwidth is assigned to aperiodic data transmissions based on priority, length and sequence of frames. See col.5 lines 5-40, col.6 lines 35-40, figures 1 and 5b.

Regarding claim 9, Diaz discloses a network for transmitting data between network interface controllers in a communications system, said network comprising:

- a first network bus interface controller 11;

- a second network bus interface controller 19 coupled to said first network interface controller, wherein one of said first and second network interface controller comprises a master timing network interface controller (col.5 lines 5-40);

- a plurality of modules coupled to either of said first and second network interface controllers, wherein said modules are capable of requesting transmission of data;

- and a means for prioritizing an order of transmission of said data and for dynamically allocating time slot (bandwidth) for each transmission requested based on the priority service,

wherein the master network interface controller is configured to allocate a first time interval for transmission of periodic data over said databus and to dynamically assign variable time intervals for transmission of aperiodic data on said network databus. See col.5 lines 45-50, col.17 lines 30-60.

Regarding claim 16, Diaz discloses a network for transmitting data between modules in a communications system, wherein said data comprises periodic data and aperiodic data, said network comprising:

- a master network interface controller , wherein said master interface controller is capable of allocating a first interval for transmission of periodic data over databus of priority service for transmission of said aperiodic data requested by said modules (col.5 lines 5-40, col.6 lines 35-40);

- a first backplane chassis 34 coupled to said master network interface controller;
- at least one first module coupled to said first backplane chassis, wherein data is transmittable from one of said first modules along said first backplane chassis to other first modules and said master network interface controller (figure 2, col.11 lines 15-30);

- a network databus coupled to said master network interface controller;
- at least one network interface controller coupled to said network databus;
- a second backplane chassis 36 coupled to said network interface controller;
- at least one second module coupled to said second backplane chassis, wherein data is transmittable from one of said second modules along said second backplane chassis to other second modules and said network interface controller (col.11 lines 15-35); and

- wherein said first and second modules are capable of requesting transmission of said aperiodic data over said network databus, wherein said requests of transmission are dynamically prioritizable by said master network interface controller. See figure 1, col.5 lines 45-50, col.7 lines 20-40, col.17 lines 30-45.

Regarding claim 22, Diaz discloses a method of transmitting both periodic and aperiodic data in a network system comprising a network databus with a plurality of bus control modules, bridge modules (Network Interface Controller modules) arranged to communicate said data over said network databus, at least some of said data arriving from a plurality of devices coupled to said interface modules through a signal backplane chassis, wherein at least one of said a interface bus control module or a bridge module (network interface module) acts as a master timing interface module responsible for allocating a time slot 132 (first interval) for transmission of periodic data over the data bus and allocating bandwidth on said network databus, said method comprising the steps of (figure 5b):

transmitting all periodic data on said network databus;

transmitting requests to said master timing bus control module (network interface module) for transmission of aperiodic data;

processing said requests by dynamically assigning bandwidth according to priority and availability of bandwidth on said network databus after transmission of said periodic data (col.5 lines 45-50);

transmitting a status message to said plurality of interface modules, said status message indicating what requests are assigned bandwidth on said network databus for transmission of aperiodic data and order of transmission;

and transmitting said aperiodic data over said network databus according to said order of transmission. See col.8 lines 30-55.

Regarding claims 2, 23, Diaz discloses that control timing (master timing NIC) is configured to guarantee a certain amount of bandwidth for the transmission of aperiodic data. See col.7 lines 1-7

Regarding claim 3, Diaz discloses that the network bus comprises a dual bus structure. See figure 1.

Regarding claims 4, 15, Diaz discloses that the network architecture comprising a plurality of network devices through ports of the interface modules communicably coupled to said plurality of interface modules. See col.11 lines 30-35, col.12 lines 40-60.

Regarding claim 10, Diaz discloses a system bus controller (master timing network interface controller) includes means for prioritizing an order of transmission. See col.17 lines 35-40.

Regarding claims 12, Diaz discloses that the network data is transmittable from one of said modules to another of said modules through said communication system. See figures 1-3.

Regarding claim 13, Diaz discloses that the network data is aperiodic. See col.5 lines 30-35

Regarding claims 14, 17, Diaz discloses that the network aperiodic data is isochronous or asynchronous. See col.5 lines 30-35.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 18, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diaz et al (U.S Patent No 5,809,021).

Regarding claims, 11, 18, Diaz does not disclose a prioritized table containing priority information. However, Diaz discloses that priority information used in a multi-service switch for allocating bandwidth for both periodic and aperiodic data, col.17 lines 35-40. Therefore, it would have been obvious to one having ordinary skill in the art to have a table for containing priority information so that the allocation of bandwidth based on the priority can be achieved effectively due to the organization of the information in the table.

Regarding claims 20, 21 Diaz discloses that the network data is transmittable from one of said modules to another of said modules through said communication system. See figures 1-3.

Allowable Subject Matter

5. Claims 5-8, 19, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran

A handwritten signature in black ink, appearing to be 'S. H. D. NGUYEN', written in a stylized, cursive manner.

STEVEN H. D NGUYEN
PRIMARY EXAMINER